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MONTANA LAWS
Relating to
CAMPAIGN FINANCES AND PRACTICES

Title 23, Chapter 47
Revised Codes of Montana,
as amended, 1977

Compiled by

Frank Murray, Secretary of State
Helena, Montana

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FILING FOR OFFICE

Information and forms for filing for federal, state, multi-county district and legislative office are available from:

Frank Murray
Secretary of State
Capitol Station
Helena, Montana 59601
Phone: (406) 449-2034

Candidates for County office file with:

Clerk and Recorder
_____ County
Courthouse
_____, MT 59_____

Candidates of City or Town office file with the City or Town Clerk.

Candidates for School District office file with the Clerk of the School District.

CAMPAIGN EXPENDITURE AND CONTRIBUTION REPORTS

Information and forms for all candidates and political committees are available from:

John Hanson
Commissioner of Campaign
Finances and Practices
Capitol Station
Helena, Montana 59601
Phone: (406) 449-2942

Copies of the laws relating to political campaigns, rules and regulations adopted by the Commissioner and reporting forms are available from the County Clerk and Recorder.

NOTICE

CANDIDATES SHOULD CHECK THE RULES AND REGULATIONS ADOPTED BY THE COMMISSIONER OF CAMPAIGN FINANCES AND PRACTICES PURSUANT TO THE FOLLOWING STATUTES.

23-4737. Payments in name of undisclosed principall. No person may make a payment of his own money or of another person's money to any other person in connection with a nomination or election in any other name than that of the person who in truth supplies such money. No person may knowingly receive such payment or enter or cause the same to be entered in his accounts or records in another name than that of the person by whom it was actually furnished; provided, if the money is received from the treasurer of any political committee, it is sufficient to enter the same as received from the treasurer.

23-4744. Contributions from corporations, public utilities and others. No corporation, bank, savings bank, cooperative bank, savings and loan association, trust, surety, indemnity, safe deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric light, heat, power, canal, aqueduct, water, cemetery or crematory company, or any company having the right to take or condemn land, or to exercise franchises in public ways granted by the state or by any county, city, or town, shall pay or contribute in order to aid, promote, or prevent the nomination or election of any person, or in order to aid or promote the interests, success, or defeat of any political party, organization, or ballot issue. No person shall solicit or receive such payment or contribution from such corporation.

23-4746. Challenging voters—procedure. (1) Whenever any person's right to vote at a primary election is challenged and he has taken the oath prescribed by the statutes, then a clerk of election shall write in the poolbooks at the end of the person's name the words "challenged and sworn", with the name of the challenger. Thereupon an election judge shall write upon the back of the ballot offered by the challenged voter the number of his ballot, in order that the ballot may be identified in any future contest of the results of the election and be cast out if it appears to the court to have been for any reason wrongfully or illegally voted for any candidate or on any question.

(2) This marking of the name of the challenged voter and the testimony of any judge or clerk of election in reference thereto or in reference to the manner in which the challenged person voted, if the testimony is given in the course of any contest, investigation, or trial wherein the legality of the vote of such person is questioned for any reason, is not a violation of subsections (2) or (4) of 23-47-110.

23-4757. Forfeiture of nomination or office for violation of law, when not worked. If, upon the trial of any action or proceeding under the provisions of Title 23 or Title 37 to contest the right of any person to be declared nominated or elected to any office or to annual or set aside such nomination or election or to remove a person from his office, it appears from the evidence that the offense complained of was not committed by the candidate or with his knowledge or consent or was

committed without his sanction or connivance and that all reasonable means for preventing the commission of such offense at such election were taken by and on behalf of the candidate; that the offense or offenses complained of were trivial, unimportant, and limited in character and that in all other respects his participation in the election was free from such offenses or illegal acts; or that any act or omission of the candidate arose from inadvertence or from accidental miscalculation or from some other reasonable cause of a like nature and in any case did not arise from any want of good faith; and under the circumes it seems to the court to be unjust that the candidate forfeit his nomination or office or be deprived of any office of which he is the incumbent, then the nomination or election of the candidate is not by reason of such offense or omission complained of void, nor may the candidate be removed from or deprived of his office.

23-4758. Punishment. If, upon the trial of any action or proceeding under the provisions of Title 23 or Title 37 to contest the right of any person to be declared to be nominated to an office or elected to an office or to annul and set aside such election or to remove any person from his office, it appears that such person was guilty of any corrupt practice, illegal act, or undue influence, in or about such nomination or election, he shall be punished by being deprived of the nomination or office, as the case may be, and the vacancy therein shall be filled in the manner provided by law. The only exceptions to this judgment shall be those provided in 23-4757. Such judgment does not prevent the candidate or officer from being proceeded against by indictment or criminal information for any such act or acts.

23-4759. Time for commencing contest. Any action to contest the right of any person to be declared elected to an office or to annul and set aside such election or to remove from or deprive any person of an office of which he is the incumbent, for any offense mentioned in Title 23 or Title 37, must, unless a different time be stated, be commenced within 1 year after the return day of the election at which such offense was committed.

23-4760. Court having jurisdiction of proceedings. An application for filing a statement, payment of a claim, or correction of an error or false recital in a filed statement or an action or proceeding to annul and set aside the election of any person declared elected to an office or to remove or deprive any person of his office for an offense mentioned in Title 23 or Title 37 or any petition to excuse any person or candidate in accordance with the power of the court to excuse, as provided in 23-4757, must be made or filed in the district court of the county in which the certificate of his nomination as a candidate for the office to which he is declared nominated or elected is filed or in which the incumbent resides.

23-4762. Declaration of result of election after rejection of illegal votes. If, in any case of a contest on the ground of illegal votes, it appears that another person than the one returned has the highest number of legal votes, after the illegal votes have been eliminated, the court must declare such person nominated or elected, as the case may be.

23-4763. Grounds for contest of nomination or office. An elector of the state or of any political or municipal division thereof may contest the right of any person to any nomination or office for which the elector has the right to vote, for any of the following causes:

(1) on the ground of a deliberate, serious, and material violation of any provision of the law relating to nominations or elections;

(2) whenever the person whose right is contested was not, at the time of the election, eligible to such office;

(3) on account of illegal votes or an erroneous or fraudulent count or canvass of votes.

23-4764. Nomination or election not to be vacated, when. Nothing in the third ground of contest specified in the preceding section is to be so construed as to authorize a nomination or election to be set aside on account of illegal votes, unless it appear, either that the candidate or nominee whose right is contested had knowledge of or connived at such illegal votes, or that the number of illegal votes given to the person whose right to the nomination or office is contested, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same nomination or office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.

23-4765. Reception of illegal votes, allegations and evidence. When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that in one or more specified voting precincts illegal votes were given to the person whose nomination or election is contested, which, if taken from him, will reduce the number of his legal votes below the number of legal votes given to some other person for the same office; but no testimony shall be received of any illegal votes, unless the party contesting such election deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes, and by whom given, which he intends to prove on such trial. This provision shall not prevent the contestant from offering evidence of illegal votes not included in such statement, if he did not know and by reasonable diligence was unable to learn of such additional illegal votes, and by whom they were given, before delivering such written list.

23-4766. Contents of contest petition — amendment — bond — costs — citation — precedence. Any petition contesting the right of any person to a nomination or election shall set forth the name of every person whose election is contested, and the grounds of the contest, and shall not thereafter be amended, except by leave of the court. Before any proceeding thereon the petitioner shall give bond to the state in such sum as the court may order, not exceeding two thousand dollars, with not less than two sureties, who shall justify in the manner required of sureties on bail-bonds, conditioned to pay all costs, disbursements, and attorney's fees that may be awarded against him if he shall not prevail. If the petitioner prevails, he may recover his costs, disbursements, and reasonable attorney's

fees against the contestee. But costs, disbursements, and attorney's fees, in all such cases, shall be in the discretion of the court, and in case judgment is rendered against the petitioner, it shall also be rendered against the sureties on the bond. On the filing of any such petition, the clerk shall immediately notify the judge of the court, and issue a citation to the person whose nomination or office is contested, citing them to appear and answer, not less than three nor more than seven days after the date of filing the petition, and the court shall hear said cause, and every such contest shall take precedence over all other business on the court docket, and shall be tried and disposed of with all convenient dispatch. The court shall always be deemed in session for the trial of such cases.

23-4767. Hearing of Contest. The petitioner (contestant) and the contestee may appear and produce evidence at the hearing, but no person other than the petitioner and contestee may be made a party to the proceedings on such petition; and no person other than the parties and their attorneys may be heard thereon, except by order of the court. If more than one petition is pending or the election of more than one person is contested, the court may, in its discretion, order the cases to be heard together and may apportion the costs, disbursements, and attorney's fees between them and shall finally determine all questions of law and fact, save only that the judge may, in his discretion, impanel a jury to decide on questions of fact. In the case of nominations or elections, other than for federal congressional offices, the court shall immediately certify its decision to the board or official issuing certificates of nomination or election, and the board or official shall thereupon issue certificates of nomination or election to the person or persons entitled thereto by the court's decision. If judgment of ouster against a defendant is rendered, the nomination or office shall be by the judgment declared vacant, except as provided in 23-4762, and shall thereupon be filled by a new election or by appointment as may be provided by law regarding vacancies in such nomination or office.

23-4770. Advancement of cases — dismissal — privileges of witnesses. Proceedings under Title 23 or Title 37 shall be advanced on the docket upon request of either party for speedy trial, but the court may postpone or continue the trial if necessary, and in case of such continuance or postponement, the court may impose costs in its discretion as a condition thereof. No petition may be dismissed without the consent of the county attorney, unless the same is dismissed by the court. No person may be excused from testifying or producing papers or documents on the ground that his testimony or the production of papers or documents will tend to criminate him; but no admission, evidence, or paper made or advanced or produced by such person or any evidence that is the direct result of such evidence or information that he may have so given may be offered or used against him in any civil or criminal prosecution, except in a prosecution for perjury committed in such testimony.

23-4771. Form of complaint. A petition or complaint filed under the provisions of this act shall be sufficient if it is substantially in the following form:

In the District Court of the
_____ Judicial District,
for the County of _____, State of Montana.

A B (or A B and C D), Contestants,
vs.
E F, Contestee.

The petition of contestant (or contestants) above named alleges:

That an election was held (in the state, district, county, or city of _____), on the _____ day of _____, A. D. 19____, for the (nomination of a candidate for) (or election of a) (state the office).

That _____ and _____ were candidates at said election, and the board of canvassers has returned the said _____ as being duly nominated (or elected) at said election.

That contestant A B voted (or had a right to vote, as the case may be) at said election (or claims to have had a right to be returned as the nominee or officer elected or nominated at said election, or was a candidate at said election, as the case may be), and said contestant C D (here state in like manner the right of each contestant).

And said contestant (or contestants) further allege (here state the facts and grounds on which the contestants rely).

Wherefore, your contestants pray that it may be determined by the court that said _____ was not duly nominated (or elected), and that said election was void (or that the said A B or C D, as the case may be) was duly nominated (or elected), and for such other and further relief as to the court may seem just and legal in the premises.

Said complaint shall be verified by the affidavit of one of the petitioners in the manner required by law for the verification of complaints in civil cases.

23-4776. Statement of purpose. It is the purpose of this act to establish clear and consistent requirements for the full disclosure and reporting of the sources and disposition of funds used in Montana to support or oppose candidates, political committees, or issues, and to consolidate and clarify the authority to enforce the election and campaign finance laws as specified in Title 23, R.C.M. 1947.

23-4777. Definitions. As used in Title 23 and Title 37, unless the context clearly indicates otherwise, the following definitions apply:

(1) "Candidate" means an individual who has filed a declaration of nomination, certificate of nomination, or acceptance of nomination for public office as required by law, but does not include a candidate for national office who is subject to the provisions of federal election campaign laws.

(2) "Election" means a general, special, or primary election held to choose a public officer or submit an issue for the approval or rejection of the people.

(3) "Issue" or "ballot issue" means a proposal submitted to the people at an election for their approval or rejection including, but not limited to, initiatives, referenda, proposed constitutional amendments, recall questions, school levy questions, bond issue questions, or a ballot question.

(4) "Public office" means a state, county, municipal, school, or other district office that is filled by the people at an election.

(5) "Contribution" means:

(a) and advance, gift, loan, conveyance, deposit, payment, or distribution of money or anything of value to influence an election;

(b) a transfer of funds between political committees;

(c) the payment by a person other than a candidate or political committee of compensation for the personal services of another person that are rendered to a candidate or political committee; but

(d) not services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or meals and lodging provided by individuals in their private residence for a candidate or other individual.

(6) "Expenditure" means a purchase, payment, distribution, loan, advance, promise, pledge, or gift of money or anything of value made for the purpose of influencing the results of an election, but "expenditure" does not mean:

(a) services, food, or lodging provided in a manner that they are not contributions under subsection (5); or

(b) payments by a candidate for his personal travel expenses or for food, clothing, lodging, or personal necessities for himself and his family.

(7) "Anything of value" means any goods that have a certain utility to the recipient that is real and that ordinarily is not given away free but is purchased.

(8) "Political committee" means a combination of two or more individuals, or a person other than an individual, the primary or incidental purpose of which is to support or oppose a candidate or issue or to influence the result of an election by any expenditure.

(9) "Individual" means a human being.

(10) "Person" means an individual, corporation, association, firm, partnership, cooperative, committee, club, union, or other organization or group of individuals or a candidate as defined in subsection (1) of this section.

23-4778. Reports of contributions and expenditures required. (1) Except as provided in subsection (5), each candidate and political committee shall file periodic reports of contributions and expenditures made by or on the behalf of a

candidate or political committee. All reports required by this section shall be filed with the commissioner and with the county clerk and recorder of the county in which a candidate is a resident or the political committee has its headquarters. However, where residency within a district, county, city, or town is not a prerequisite for being a candidate, copies of all reports shall be filed with the county clerk and recorder of the county in which the election is to be held, or if the election is to be held in more than one county, with the clerk and recorder in the county that the commissioner shall specify.

(2) In lieu of all contribution and expenditure reports required by this act, the commissioner shall accept copies of the reports filed by candidates for congress and president of the United States, and their political committees, pursuant to the requirements of federal law.

(3) Candidates for a state office filled by a statewide vote of all the voters of Montana, the political committees for such candidates, and political committees organized to support or oppose a statewide issue, shall filie reports:

(a) on the tenth day of March and September, in each year that an election is to be held, and on the fifteenth and fifth days next preceding the date on which an election is held, and within twenty-four (24) hours after receiving a contribution of five hundred dollars ($500) or more at any time after the last pre-election report;

(b) not more than twenty (20) days after the date of the election;

(c) on the tenth day of March and September of each year following an election so long as there is an unexpended balance or an expenditure deficit in a campaign account; and

(d) whenever a candidate or political committee finally closes its books.

(4) Candidates for a state district office, including but not limited to, candidates for the legislature, public service commission, or district court judge, their political committees, and political committees organized to support or oppose district issues, shall file reports:

(a) on the tenth day next preceding the date on which an election is held, and within twenty-four (24) hours after receiving a contribution of one hundred dollars ($100) or more at any time after the last pre-election report;

(b) not more than twenty (20) days after the date of the election;

(c) whenever a candidate or political committee finally closes its books.

(5) Candidates for any other public office, their political committees , and political committees organized to support or oppose local issues, shall be required to file the reports specified in subsection (4) only if the total amount of contributions received or the total amount of funds expended for an election, excluding the filing fee paid by the candidate, exceed five

hundred dollars ($500); except candidates for the office of trustee of a school district, their political committees, and political committees organized to support or oppose a school district issue shall not be required to comply with the provisions of this section when the school district is:

(a) a first-class district located in a county having a population less than 15,000;

(b) a second- or third-class district; or

(c) a county high school district having a student enrollment less than 2,000.

(6) All reports required by this section shall be complete as of the date prescribed by the commissioner, which shall not be less than five (5) or more than ten (10) days before the date of filing as specified in subsections (2) through (5) of this section.

(7) The commissioner shall adopt rules and regulations that will permit political committees, including political parties, to file copies of a single comprehensive report when they support or oppose more than one candidate or issue.

(8) Reports filed under this section shall be filed to cover the following time periods:

(a) the initial report shall cover all contributions received or expenditures made by a candidate or political committee prior to the time that a person became a candidate as defined in subsection (1) of section 23-4777 until the date prescribed by the commissioner for the filing of the appropriate initial report pursuant to subsections (2) through (5) of this section;

(b) subsequent periodic reports shall cover the period of time from the closing of the previous report to a date prescribed by the commissioner, which shall not be less than five (5) days or more than ten (10) days before the date of filing;

(c) final reports shall cover the period of time from the last periodic report to the final closing of the books of the candidate or political committee.

23-4779. What reports must disclose. Each report required by this act shall disclose the following information, except that a candidate shall only be required to report the information specified in this section if the transactions involved were undertaken for the purpose of influencing an election:

(1) the amount of cash on hand at the beginning of the reporting period;

(2) the full name and mailing address (occupation and the principal place of business, if any) of each person who has made aggregate contributions, other than loans, of twenty-five dollars ($25) or more to the candidate or political committee (including the purchase of tickets for events such as dinners, luncheons, rallies, and similar fund-raising events) within the reporting period together with the aggregate amount of those contributions, and the total amount of contributions made by that person;

(3) the total sum of individual contributions made to or for the political committee or candidate and not reported under

subsection (2) of this section;

(4) the name and address of each political committee or candidate from which the reporting committee or candidate received any transfer of funds together with the amount and dates of all those transfers;

(5) each loan from any person during the reporting period together with the full names and mailing addresses (occupation and principal place of business, if any) of the lender and endorsers, if any, and the date and amount of each loan;

(6) the amount and nature of debts and obligations owed to a political committee or candidates in the form prescribed by the commissioner;

(7) an itemized account of proceeds from:

(a) the sale of tickets to each dinner, luncheon, rally, and other fund-raising events;

(b) mass collections made at such an event; and

(c) sales of items such as political campaign pins, buttons, badges, flags, emblems, hats, banners, literature, and similar materials;

(8) each contribution, rebate, refund, or other receipt not otherwise listed under subsections (2) through (6) of this section during the reporting period;

(9) the total sum of all receipts received by or for the committee or candidate during the reporting period;

(10) the full name and mailing address (occupation and the principal place of business, if any) of each person to whom expenditures have been made by the committee or candidate during the reporting period, including the amount, date, and purpose of each expenditure and the total amount of expenditures made to each person;

(11) the full name and mailing addresses (occupation and the principal place of business, if any) of each person to whom an expenditure for personal services, salaries, and reimbursed expenses have been made, including the amount, date, and purpose of that expenditure and the total amount of expenditures made to each person;

(12) the total sum of expenditures made by a political committee or candidate during the reporting period;

(13) the name and address of each political committee or candidate to which the reporting committee or candidate made any transfer of funds together with the amount and dates of all those transfers;

(14) the name of any person to whom a loan was made during the reporting period, including the full name and mailing address (occupation and principal place of business, if any) of that person, and the full name and mailing address (occupation and principal place of business, if any) of the endorsers, if any, and the date and amount of each loan;

(15) the amount and nature of debts and obligations owed by a political committee or candidate in the form prescribed by the commissioner;

(16) other information that may be required by the commissioner to fully disclose the sources and disposition of funds used to support or oppose candidates or issues.

23-4780. Reports must be certified as true and correct. (1) A report required by this act to be filed by a candidate or political committee shall be verified as true and correct by the oath or affirmation of the individual filing the report. The individual filing the report shall be the candidate or an officer of a political committee who is on file as an officer of the committee with the commissioner. The oath or affirmation shall be made before an officer authorized to administer oaths.

(2) A copy of a report or statement shall be preserved by the individual filing it for a period of time to be designated by the commissioner.

(3) The commissioner may promulgate rules and regulations regarding the extent to which organizations that are not primarily political committees, but are incidentally political committees shall report their politically related activities in accordance with this act.

23-4781. Campaign treasurer and campaign depository — exception for certain school districts. (1) Except as provided in subsection (7), each candidate for nomination or election to office and each political committee shall appoint one (1) campaign treasurer. No contribution shall be received or expenditure made by or on behalf of a candidate or political committee until the candidate or political committee appoints a campaign treasurer and certifies the name and address of the campaign treasurer pursuant to this section. The certification, which shall include an organizational statement, properly acknowledged by a notary public, and setting forth of the name and address of the campaign treasurer and all other officers, if any, of the political committee, shall be filed with the commissioner and the appropriate county clerk and recorder as specified for the filing of reports in section 23-4778.

(2) A campaign treasurer may appoint deputy campaign treasurers, but not more than one (1) in each county in which the campaign is conducted. Each candidate and political committee shall certify the full name and complete address of the campaign treasurer and all deputy campaign treasurers with the office with whom the candidate or the political committee is required to file reports.

(3) Any campaign or deputy campaign treasurer appointed pursuant to this section shall be a registered voter in this state. An individual may be appointed and serve as a campaign treasurer of a candidate and a political committee or two (2) or more candidates and political committees. A candidate may appoint himself as his own campaign or deputy campaign treasurer. No individual may serve as a campaign or deputy campaign treasurer or perform any duty required of a campaign or deputy campaign treasurer of a candidate or political committee until he has been designated and his name certified by the candidate or political committee.

(4) Deputy campaign treasurers may exercise any of the powers and duties of a campaign treasurer as set forth in this act when specifically authorized in writing to do so by the campaign treasurer and the candidate in the case of a candidate, or the campaign treasurer and the chairman of the political committee in the case of a political committee.

(5) A candidate or political committee may remove his or its campaign or deputy campaign treasurer. The removal of any treasurer or deputy treasurer shall immediately be reported to the officer with whom the name of the campaign treasurer was originally filed. In case of death, resignation, or removal of his or its campaign treasurer before compliance with any obligation of a campaign treasurer under this act, the candidate or political committee shall appoint a successor and certify the name and address of the successor as specified in subsection (1) of this section.

(6) Except as provided in subsection (7), each candidate and each political committee shall designate one (1) primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate or political committee. The candidate or political committee may also designate one (1) secondary depository in each county in which an election is held and in which the candidate or committee participates. Deputy campaign treasurers may make deposits in and make expenditures from secondary depositories when authorized to do so as provided in subsection (4) of this section. Only a bank authorized to transact business in Montana may be designated as a campaign depository. The candidate or political committee shall file the name and address of each primary and secondary depository so designated at the same time and with the same officer with whom the candidate or committee files the name of his or its campaign treasurer pursuant to subsection (1) of this section. Nothing in this subsection shall prevent a political committee or candidate from having more than one campaign account in the same depository.

(7) The provisions of this section do not apply to candidates for the office of trustee of a school district, their political committees, and political committees organized to support or oppose a school district issue when the school district is:

(a) a first-class district located in a county having a population less than 15,000;

(b) a second- or third-class district; or

(c) a county high school district having a student enrollment less than 2,000.

23-4782. Deposit of contributions—statement of campaign treasurer. All funds received by the campaign treasurer or any deputy campaign treasurer of any candidate or political committee shall be deposited prior to the end of the fifth business day following their receipt (Sundays and holidays excluded) in a checking account in a campaign depository

designated pursuant to section 23-4781. A statement showing the amount received from or provided by each person and the account in which the funds are deposited shall be prepared by the campaign treasurer at the time the deposit is made. This statement along with the receipt form for cash contributions deposited at the same time and a deposit slip for the deposit shall be kept by the treasurer as a part of his records.

23-4783. Treasurer to keep records — inspections. (1) The campaign treasurer of each candidate and each political committee shall keep detailed accounts, current within not more than ten (10) days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate or political committee that are required to be set forth in a statement filed under this act.

(2) Accounts kept by the campaign treasurer of a candidate or political committee may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by the campaign treasurer of any opposing candidate or political committee in the same electoral district. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. The campaign treasurers of political committees supporting a candidate may be joined with the campaign treasurer of the candidate as respondents in such a proceeding.

(3) Accounts kept by a campaign treasurer of a candidate shall be preserved by the campaign treasurer for a period coinciding with the term of office for which the person was a candidate.

23-4784. Petty cash funds allowed. (1) The campaign treasurer for each candidate or political committee is authorized to withdraw the following amount each week from the primary depository for the purpose of providing a petty cash fund for the candidate or political committee:

(a) for all candidates for nomination or election on a statewide basis and all political committees operating on a statewide basis, one hundred dollars ($100) per week; and

(b) for all other candidates and political committees, twenty dollars ($20) per week.

(2) The petty cash fund may be spent for office supplies, transportation expenses, and other necessities in an amount of less than ten dollars ($10). Petty cash shall not be used for the purchase of time, space, or services from any communications medium.

23-4785. Creation of office. (1) There is a commissioner of campaign finances and practices, who is appointed by a majority of a four-member selection committee which is comprised of the speaker of the house, the president of the senate, and the minority floor leaders of both houses of the legislature. However, if a majority of the members of the selection committee cannot agree upon the selection of a commissioner within 30 days after a vacancy occurs or a term

expires, the Montana supreme court shall appoint a fifth public member to the selection committee. The majority of the five members of the selection committee shall then select the commissioner.

(2) The individual selected to serve as the commissioner of campaign finances and practices is appointed for a 5-year term, but he is thereafter ineligible to serve as the commissioner of campaign finances and practices and is precluded from being a candidate for public office as defined in this act for a period of 5 years from the time that his term as commissioner expires.

(3) If for any reason a vacancy occurs in the position of commissioner, a successor shall be appointed within 30 days as provided in subsection (1) to serve out the unexpired term. An individual who is selected to serve out the unexpired term of a preceding commissioner is entitled to be reappointed for a 5-year term as provided in subsection (1).

(4) The commissioner may be removed from office by impeachment as provided in 95-2801 and 95-2802. He may also be prosecuted by the appropriate county attorney for official misconduct as specified in 94-7-401.

(5) The commissioner of campaign finances and practices is entitled to receive an annual salary of $21,000. The salary commission may recommend salary increases to the legislature.

(6) The office of the commissioner is attached to the office of the secretary of state for administrative purposes only, as specified in 82A-108, except that the provisions of subsections (1) (b), (1) (c), (2) (a), (2) (b), (2) (d), (2) (e), and (3) (a) of 82A-108 do not apply.

23-4786. Powers and duties of the commissioner. (1) The Commissioner of campaign finances and practices shall be responsible for investigating all of the alleged violations of the election laws contained in Title 23 or Title 37 and shall in conjunction with the county attorneys be responsible for enforcing all of the state's election laws.

(2) The commissioner shall select an appropriate staff to enforce the provisions of Title 23 and Title 37, and he may hire and fire all personnel under his supervision.

(3) The commissioner may hire or retain attorneys who are properly licensed to practice before the supreme court of the state of Montana to prosecute violations of Title 23 or Title 37. Any properly licensed attorney so retained or hired shall exercise the powers of a special attorney general, and he may prosecute, subject to the control and supervision of the commissioner and the provisions of 23-4788, any criminal or civil action arising out of a violation of any provision of Title 23 or Title 37. All prosecutions shall be brought in the state district court for the county in which a violation has occurred or in the district court for Lewis and Clark County. The authority to prosecute as prescribed by this section includes the authority to:

(a) institute proceedings for the arrest of persons charged with or reasonably suspected of criminal violations of Title 23 or Title 37;

(b) attend and give advice to a grand jury when cases involving criminal violations of Title 23 or Title 37 are presented;

(c) draw and file indictments, informations, and criminal complaints;

(d) prosecute all actions for the recovery of debts, fines, penalties, or forfeitures accruing to the state or county from persons convicted of violating Title 23 or Title 37; and

(e) do any other act necessary to successfully prosecute a violation of any provision of Title 23 or Title 37.

(4) The commissioner shall prescribe forms for statements and other information required to be filed pursuant to Title 23 or Title 37 and furnish forms and appropriate information to persons required to file statements and information.

(5) The commissioner shall prepare and publish a manual prescribing a uniform system for accounts for use by persons required to file statements pursuant to Title 23 or Title 37.

(6) The commissioner shall accept and file any information voluntarily supplied that exceeds the requirements of Title 23 or Title 37.

(7) The commissioner shall prescribe the manner in which the county clerks and recorders shall receive, file, collate, and maintain reports filed with them under Title 23 or Title 37.

(8) The commissioner shall make statements and other information filed with his office available for public inspection and copying during regular office hours and make copying facilities available free of charge or at a charge not to exceed actual cost.

(9) The commissioner shall preserve statements and other information filed with his office for a period of 10 years from date of receipt.

(10) The commissioner shall prepare and publish summaries of the statements received.

(11) The commissioner shall prepare and publish such other reports as he considers appropriate.

(12) The commissioner shall provide for wide public dissemination of summaries and reports.

(13) The commissioner may investigate all statements filed pursuant to the provisions of Title 23 or Title 37 and shall also investigate alleged failures to file any statement or the alleged falsification of any statement filed pursuant to the provisions of Title 23 or Title 37. Upon the submission of a written complaint by any individual, the commissioner shall also investigate any other alleged violation of the provisions of Title 23 or Title 37 or any rule adopted pursuant thereto.

(14) The commissiner shall promulgate and publish rules to carry out the provisions of Title 23 or Title 37 and shall promulgate such rules in conformance with the Montana Administration Procedure Act.

(15) The commissioner shall at the close of each fiscal

year report to the legislature and the governor concerning the action he has taken, including the names, salaries, and duties of all individuals in his employ and the money he has disbursed. The commissioner shall also make further reports on the matters within his jurisdiction as the legislature may prescribe and shall also make recommendations for further legislation as may appear desirable.

(16) The commissioner shall be responsible for preparing, administering, and allocating the budget for his office.

(17) The commissioner may inspect any records, accounts, or books that must be kept pursuant to the provisions of Title 23 or Title 37, which are held by any political committee or candidate so long as such inspection is made during reasonable office hours.

(18) The commissioner may issue orders of noncompliance as prescribed by 23-4787.

(19) The commissioner may exercise all of the powers conferred upon him by law in any jurisdiction or political subdivision of the state.

(20) After receiving the final campaign contribution and expenditure report filed as required by Title 23, the commissioner shall inform the secretary of state or the city or county clerk and recorder that each candidate who has been properly elected to any public office has filed his final contribution and expenditure report as specified in 23-4778.

(21) The commissioner may administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, bank account statements of a political committee or candidate, or other records which are relevant or material for the purpose of conducting any investigation pursuant to the provisions of Title 23 or Title 37.

23-4787. Inspection of statements and issuance of orders of noncompliance. (1) Each statement filed with the commissioner during an election or within 60 days thereafter shall be inspected within 10 days after the date upon which the statement is filed. If a person has not satisfied the provisions of Title 23 or Title 37, the commissioner shall immediately notify the person of the noncompliance. Such an order of noncompliance shall be issued when:

(a) upon examination of the official ballot, it appears that the person has failed to file a statement as required by law or that a statement filed by a person does not conform to law; or

(b) it is determined that a statement filed with the commissioner does not conform to the requirements of Title 23 or Title 37, or that a person has failed to file a statement required by law.

(2) If an order of noncompliance is issued during a campaign period or within 60 days after an election, a candidate or political committee shall submit the necessary information within 5 days after receiving the notice of noncompliance. Upon

a failure to submit the required information within the time specified, the appropriate county attorney or the commissioner may initiate a civil or criminal action pursuant to the procedures outlined in 23-4788.

(3) If an order of noncompliance is issued during any other period than that described in subsection (2), a candidate or political committee shall submit the necessary information within 10 days after receiving the notice of noncompliance. Upon a failure to submit the required information within the time specified, the appropriate county attorney or the commissioner shall initiate a civil or criminal action pursuant to the procedures outlined in 23-4788.

(4) A candidate or political treasurer aggrieved by the issuance of an order of noncompliance may seek judicial review in the district court of the county in which the candidate resides or the county in which the political committee has its headquarters. All petitions for judicial review filed pursuant to this section shall be expeditiously reviewed by the appropriate district court.

(5) Within 120 days after the date of each election, the commissioner shall examine and compare each statement or report filed with the commissioner pursuant to the provisions of Title 23 or Title 37 to determine whether a statement or report conforms to the provisions of the law. The examination shall include a comparison of all reports and statements received by the commissioner pursuant to the requirements of Title 23 or Title 37. The commissioner may investigate the source and authenticity of any contribution or expenditure listed in any report or statement filed pursuant to Title 23 or Title 37 or the alleged failure to report any contribution or expenditure required to be reported pursuant to Title 23 or Title 37.

23-4788. Consultation and cooperation with county attorney. (1) Whenever the commissioner determines that there appears to be sufficient evidence to justify a civil or criminal prosecution under the election laws of this state, he shall notify the county attorney of the county in which the alleged violation occurred and shall arrange to transmit to the county attorney all information relevant to the alleged violation. If the county attorney fails to initiate the appropriate civil or criminal action within 30 days after he receives notification of the alleged violation, the commissioner may then initiate the appropriate legal action.

(2) A county attorney may at any time prior to the expiration of the 30-day time period specified in subsection (1), waive his right to prosecute and thereby authorize the commissioner to initiate the appropriate civil or criminal action under the election law.

(3) The provisions of subsection (1) do not apply to a situation in which the alleged violation has been committed by the county attorney of a county. In this instance, the commissioner is authorized to directly prosecute any alleged violation of Title 23 or Title 37.

(4) If a prosecution is undertaken by the commissioner, all court costs associated with the prosecution shall be paid by the state of Montana, and all fines and forfeitures imposed pursuant to a prosecution by the commissioner shall be deposited in the state general fund.

(5) Nothing in Title 23 or Title 37 prevents a county attorney from inspecting any records, accounts, or books which must be kept pursuant to the provisions of Title 23 or Title 37 that are held by a political committee or candidate involved in an election to be held within the county. However, the inspections must be conducted during reasonable office hours.

(6) A county attorney may administer oaths and affirmations; subpoena witnesses; compel their attendance; take evidence; and require the production of any books, correspondence, memoranda, bank account statements of a political committee or candidate, or other records which are relevant or material for the purpose of conducting any investigation pursuant to the provisions of Title 23 or Title 37.

23-4789. Right to inspect current accounts and reports. Every individual shall have the right to inspect any report or current account that must be kept or filed pursuant to the provisions of Title 23, R.C.M. 1947, but only if such inspection will occur during reasonable office hours and in such a manner that normal office functions will not be unnecessarily interrupted.

23-4790. Duties of county clerk and recorder. (1) A county clerk and recorder shall maintain all records and statements filed pursuant to the provisions of Title 23, R.C.M. 1947, for a period of ten (10) years from the date of receipt.

(2) A county clerk and recorder shall accept and file any information voluntarily supplied that exceeds the requirements of Title 23, R.C.M. 1947.

(3) A county clerk and recorder shall file, code, and cross-index all reports and statements filed as prescribed by the commissioner.

(4) A county clerk and recorder shall make statements and other information filed with his office available for public inspection and copying during regular office hours, and make copying facilities available free of charge or at a charge not to exceed actual cost.

23-4791. Names not to be printed on ballot. (1) The name of a candidate shall not be printed on the official ballot for a general or special election if the candidate or a political treasurer for a candidate fails to file any statement as required by Title 23, R.C.M. 1947.

(2) A vacancy on an official ballot under this section may

be filled in the manner provided by law, but not by the name of the same candidate.

(3) In carrying out the mandate of this section, the commissioner must by a written statement notify the secretary of state or the city or county clerk or the clerk of a school district, that a candidate, or a candidate's political treasurer, has not complied with the provisions of Title 23, R.C.M. 1947, as described in subsection (1) and that a candidate's name should not be printed on the official ballot.

23-4792. Certificates of election may be withheld. No certificate of election shall be granted to any candidate until his political treasurer has filed the reports and statements that must be filed pursuant to the provisions of Title 23, R.C.M. 1947. No candidate for an elective office may assume the powers and duties of that office until he has received a certificate of election as provided by law. A certificate of election shall only be issued by the public official responsible for issuing a certificate or commission after receiving written assurance from the commissioner that a candidate has filed all of the reports that must be filed pursuant to the provisions of Title 23, R.C.M. 1947.

23-4794. Secretary of state to furnish copies of certain election laws to appropriate officials. The secretary of state shall, at the expense of the state, furnish the county clerk and the city and town clerks with copies of the election laws relating to penalties, campaign practices, campaign finances, and contests. The public official with whom a candidate files a declaration or certificate of nomination shall transmit one of these copies to the candidate. Such copies shall also be furnished to any other person required to file a statement. Upon his own information or at the written request of any voter, the secretary of state shall provide a copy to any other individual who may be a candidate or who may otherwise be required to make a statement required by Title 23 or Title 37.

23-4795. Limitation on contributions. (1) Aggregate contributions for all elections in a campaign by an individual, other than the candidate, to a candidate and political committees organized on his behalf are limited as follows:

(a) for candidates filed jointly for the office of governor and lieutenant governor, not to exceed $1,500;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed $750;

(c) for a candidate for public service commissioner, not to exceed $400;

(d) for a candidate for district court judge, not to exceed $300;

(e) for a candidate for the legislature, not to exceed $250; and

(f) for a candidate for city or county office, not to exceed $200.

(2) An independent committee means a committee which is not organized on behalf of a candidate or which is not controlled either directly or indirectly by a candidate or candidate's committee and which does not act jointly with a candidate or candidate's committee in conjunction with the making of expenditures or accepting contributions. For the purpose of limitation on contributions, political party organizations are independent committees. Aggregate contributions by an independent committee to a candidate and political committees organized on his behalf for all elections in a campaign are limited as follows:

(a) for candidates filed jointly for the offices of governor and lieutenant governor, not to exceed $8,000;

(b) for a candidate to be elected for state office in a statewide election, other than the candidates for governor and lieutenant governor, not to exceed $2,000;

(c) for a candidate for public service commissioner, not to exceed $1,000;

(d) for a candidate for district court judge, not to exceed $250;

(e) for a candidate for the legislature, not to exceed $250;

(f) for a candidate for city or county office, not to exceed $200.

(3) The limitations imposed by this section do not apply to public funds contributed to a candidate under any public financing provision of this code.

23-4796. Commissioner of campaign finances and practices. In 23-4778 through 23-4795, "commissioner" means the commissioner of campaign finances and practices created by 23-4785(1), unless the context clearly indicates otherwise.

23-47-101. Election code not to supersede criminal code — statute of limitations. (1) The penalty provisions of the election laws of this state are intended to supplement and not to supersede the provisions of the Montana Criminal Code.

(2) Unless otherwise provided, the general time limitations for prosecutions for violations of the election laws are those specified in 94-1-106.

23-47-102. Trivial benefits not covered by criminal provisions. It is not the intent of the election laws of this state to criminalize activities involving trivial benefits incidental to the campaign process which involve no substantial risk of undermining the election process.

23-47-103. Violations as misdemeanor. A person who knowingly violates a provision of the election laws of this state for which no other penalty is specified is guilty of a misdemeanor.

23-47-104. Attempt as a violation. An attempt, as defined in 94-4-103, to violate a provision of the election laws of

this state is itself a violation of the election laws and is punishable as provided in 94-4-103.

23-47-105. Aiding and abetting. A person who is legally accountable, as provided in 94-2-107, for the conduct of another which violates a provision of the election laws of this state is also guilty of a violation of that provision.

23-47-106. Ineligibility to hold office because of conviction. In addition to all other penalties prescribed by law:

(1) a candidate who is convicted of violating any provision of Title 23 or Title 37, except 23-47-115(10), is ineligible to be a candidate for any public office in the state of Montana until his final discharge from state supervision;

(2) a campaign treasurer who is convicted of violating any provision of Title 23 or Title 37, except 23-47-115(10), is ineligible to be a candidate for any public office or to hold the position of campaign treasurer in any campaign in the state of Montana until his final discharge from state supervision;

(3) if an elected official, while a candidate for nomination, was guilty of any act which was wrongful or unlawful or which would be sufficient to cause his removal from office if committed during the general election campaign, he shall, upon conviction, be removed from office in the same manner as though the act had been committed during the general election, even though he may have been regularly elected and was not guilty of a wrongful or unlawful act during the election at which he was elected to office.

23-47-107. Voiding election. (1) If a court of competent jurisdiction finds that the violation of any provision of Title 23 or Title 37, by any candidate or political committee probably affected the outcome of any election, the result of that election may be held void and a special election held within 60 days of that finding. If the violation occurred during a primary election, the court may direct the appropriate political party to select a new candidate according to the provisions of state law and the custom of the party. Except as provided in subsection (2), an action to void an election shall be commenced within 1 year of the date of the election in question.

(2) An action to void a bond election shall be commenced within 60 days of the date of the election in question.

23-47-108. Powers of district court. In any action brought under the election laws of this state, the appropriate district court may enjoin any person to prevent the doing of any prohibited act or to compel the performance of any act required by the election laws.

23-47-109. Electors and ballots. (1) An elector may not show the contents of his ballot to anyone after it is marked. No elector may place any mark upon the ballot by which it may be identified as the one voted by him.

(2) An elector may not receive a ballot from any person other than an election judge and may not vote any ballot except

one received from an election judge. No person other than an election judge may deliver a ballot to an elector.

(3) No person may solicit an elector to show his ballot after it is marked.

(4) An elector who does not vote a ballot delivered to him shall, before leaving the polling place, return the ballot to an election judge.

23-47-110. Conduct of officers and clerks of election. No officer or clerk of election may:

(1) deposit in a ballot box a ballot on which the official stamp, as provided by law, does not appear;

(2) prior to putting the ballot of an elector in the ballot box, attempt to find out any name on the ballot or open or examine the folded ballot of an elector;

(3) look at any mark made by the voter upon the ballot;

(4) make or place any mark or device on any folded ballot with the intent to ascertain the name of any person for whom the elector has voted;

(5) allow any person other than the voter to be present at the marking of the ballot except as provided in 23- 3609 and 23-3812(1); or

(6) make a false statement in a certificate regarding affirmation.

23-47-111. Interference with officials. A person who, in any manner, interferes with the officers holding an election or conducting a canvass so as to prevent the election or canvass from being fairly held and lawfully conducted is guilty of obstruction of a public servant and is punishable as provided in 94-7-302.

23-47-112. Official misconduct. A person charged with performance of any duty under the provisions of the election laws of this state is guilty of official misconduct and is punishable as provided in 94-7-401 whenever the person:

(1) knowingly neglects or refuses to perform that duty; or

(2) knowingly and fraudulently acts, in his official capacity, in contravention or violation of any provision of the election laws.

23-47-113. Tampering with election records and information. A person is guilty of tampering with public records or information and is punishable as provided in 94-7-209 whenever the person:

(1) suppresses any declaration or certificate of nomination which has been filed;

(2) purposely causes the vote on a machine to be incorrectly recorded as to the candidate or ballot issue voted on;

(3) in an election return, knowingly adds to or subtracts from the votes actually cast at the election;

(4) changes any ballot after the same has been deposited in the ballot box or adds any ballot to those legally polled at an

election, either before or after the ballots have been counted, with the purpose of changing the result of the election;

(5) causes any name to be placed on the registry lists other than in the manner provided by this title; or

(6) changes a poll list or check list.

23-47-114. Injury to election equipment, materials, and records. A person is guilty of criminal mischief or tampering with public records and information, as appropriate, and is punishable as provided in 94-6-102 or 94-7-209, as applicable, whenever the person:

(1) prior to or on election day, knowingly defaces or destroys any list of candidates posted in accordance with the provisions of the law;

(2) during an election:

(a) removes or defaces the cards printed for the instruction of the voters; or

(b) removes or destroys any of the supplies or other conveniences placed in the booths or compartments for the purpose of enabling a voter to prepare his ballot;

(3) removes any ballots from the polling place before the closing of the polls with the purpose of changing the result of the election;

(4) carries away or destroys any poll lists, check lists, ballots, or ballot boxes for the purpose of disrupting or invalidating an election;

(5) knowingly detains, mutilates, alters, or destroys any election returns;

(6) mutilates, secretes, destroys, or alters election records, except as provided by law;

(7) tampers with, disarranges, defaces, injures, or impairs a voting machine;

(8) mutilates, injures, or destroys any ballot or appliance used in connection with a voting machine; or

(9) fraudulently defaces or destroys a declaration or certificate of nomination.

23-47-115. Deceptive election practices. A person is guilty of false swearing, unsworn falsification, or tampering with public records or information, as appropriate, and is punishable as provided in 94-7-203, 94-7-204, or 94-7-209, as applicable, whenever the person:

(1) falsely represents his name or other information required upon his registry card and causes registration with the card;

(2) signs a registry card knowingly witnessing any false or misleading statement;

(3) knowingly submits a false report or deliberately fails to include information in a report required by Title 23 or Title 37;

(4) knowingly causes a false statement, certificate, or return of any kind to be signed;

(5) falsely makes a declaration or certificate of nomination;

(6) files or receives for filing a declaration or certificate of nomination knowing that all or part of the declaration or certificate is false;

(7) forges or falsely makes the official endorsement of a ballot;

(8) forges or counterfeits returns of an election purporting to have been held at a precinct, municipality, or ward where no election was in fact held;

(9) knowingly substitutes forged or counterfeit returns of election in place of the true returns for a precinct, municipality, or ward where an election was held;

(10) signs a name other than his own to a petition, signs more than once for the same measure, or signs a petition while not being a qualified elector of the state; or

(11) makes a false oath or affidavit where an oath or affidavit is required by law.

23-47-116. Deceiving an elector. A person who deceives an elector voting under 23-3609 or 23-3812 is guilty of a misdemeanor.

23-47-117. Fraudulent registration. (1) No person may knowingly cause, procure, or allow himself to be registered in the official register of any election district of any county knowing himself not to be entitled to such registration.

(2) No person may falsely personate another and cause the person so personated to be registered.

(3) When, on the trial of the person charged with any offense under the provisions of this section, it appears in evidence that the accused stands registered in the register of any county without being qualified for such registration, the court shall order such registration canceled.

23-47-118. Limits on voting rights. (1) No person may vote who is not entitled to vote. No person may vote more than once at an election.

(2) No person may, for any election, apply for a ballot in the name of some other person, whether it be the name of a living, dead, or fictitious person.

23-47-119. Electioneering. (1) No person may do any electioneering on election day within any polling place or any building in which an election is being held or within 200 feet thereof.

(2) No officer or clerk of election may do any electioneering on election day.

(3) No person may buy, sell, give, or provide a political badge, button, or other insignia to be worn at or about the polls on the day of an election, and no such political badge, button, or

other insignia may be worn at or about the polls on an election day.

23-47-120. Betting on elections. (1) A person who makes, offers, or accepts any bet or wager upon the result of any election; upon the success or failure of any person or candidate; upon the number of votes to be cast, either in the aggregate or for any particular candidate; or upon the vote to be cast by any person is guilty of a misdemeanor.

(2) If the bet or wager is made for the purpose of influencing the result of the election, the act of betting is grounds to challenge the bettor's right to vote.

(3) A candidate who, before or during an election campaign, makes any bet or wager of anything of pecuniary value; in any manner becomes a party to any bet or wager on the result of the election in his electoral district (or in any part thereof) or on any event or contingency relating to any pending election; or provides money or other valuables to be used by any person in betting or wagering upon the results of any impending election is guilty of a misdemeanor.

23-47-121. Preventing public meetings of electors. (1) A person who, by threats, intimidations, or violence, willfully hinders or prevents electors from assembling in public meeting for the consideration of public questions is guilty of a misdemeanor.

(2) A person who willfully disturbs or breaks up a public meeting of electors or others, lawfully being held for the purpose of considering public questions, or a public school meeting is guilty of a misdemeanor.

23-47-122. Illegal influence of voters. No person, directly or indirectly, by himself or by any other person on his behalf, for any election, to or for any person on behalf of any elector or to or for any person, in order to induce any elector to vote or refrain from voting or to vote for or against any particular candidate, political party ticket, or ballot issue, may:

(1) give, lend, agree to give or lend, offer, or promise any money, liquor, or valuable consideration or promise or endeavor to procure any money, liquor, or valuable consideration;

(2) promise to appoint another person or promise to secure or aid in securing the appointment, nomination, or election of another person to a public or private position or employment or to a position of honor, trust, or emolument, in order to aid or promote his nomination or election, except that he may publicly announce or define what is his choice or purpose in relation to an election in which he may be called to take part, if elected.

23-47-123. Illegal consideration for voting. No person, directly or indirectly, by himself or by any other person in his behalf may:

(1) before or during any election, for voting or agreeing to vote or for refraining or agreeing to refrain from voting at the election or for inducing another to do so:

(a) receive, agree, or contract for any money, gift, loan, liquor, valuable consideration, office, place, or employment for himself or any other person; or

(b) approach any candidate or agent or person representing or acting on behalf of any candidate at the election and ask for or offer to agree or contract for any money, gift, loan, liquor, valuable consideration, office, place, or employment for himself or any other person;

(2) after an election, for having voted or refrained from voting or having induced any other person to vote or refrain from voting at the election:

(a) receive any money, gift, loan, valuable consideration, office, place, or employment; or

(b) approach any candidate or any agent or person representing or acting on behalf of any candidate and ask for or offer to receive any money, gift, loan, liquor, valuable consideration, office, place, or employment for himself or any other person.

23-47-124. Illegal assistance to naturalized citizens. No elector, candidate for nomination, nominee, or political committee may pay or offer to pay the fee for any person who is about to or has made his declaration of intention or who has taken out or is about to take out his final papers as a citizen of the United States, with the purpose of influencing that person's vote in an election. No person may receive any money or other valuable thing to pay such fee or permit the same to be paid for him for such a purpose.

23-47-125. Officers and clerks not to influence voter. No officer or clerk of election, while acting in his official capacity, may, by menace, reward, or promise of reward, induce or attempt to induce any elector to cast a vote contrary to his original intention or desire.

23-47-126. Coercion or undue influence of voters. (1) No person, directly or indirectly, by himself or any other person in his behalf, in order to induce or compel a person to vote or refrain from voting for any candidate, the ticket of any political party, or any ballot issue before the people, may:

(a) use or threaten to use any force, coercion, violence, restraint, or undue influence against any person; or

(b) inflict or threaten to inflict, by himself or any other person, any temporal or spiritual injury, damage, harm, or loss upon or against any person.

(2) No person who is a minister, preacher, priest, or other church officer or who is an officer of any corporation or organization, religious or otherwise, may, other than by public speech or print, urge, persuade, or command any voter to vote or refrain from voting for or against any candidate, political party ticket, or ballot issue submitted to the people because of his religious duty or the interest of any corporation, church, or other organization.

(3) No person may, by abduction, duress, or any fraudu-

lent contrivance, impede or prevent the free exercise of the franchise by any voter at any election or thereby compel, induce, or prevail upon any elector to give or to refrain from giving his vote at any election.

(4) No person may, in any manner, interfere with a voter lawfully exercising his right to vote at an election so as to prevent the election from being fairly held and lawfully conducted. No person may obstruct the doors or entries of any polling place.

23-47-127. Demands and requests of candidates. (1) No person may demand, solicit, request, or invite any payment or contribution for any religious, political, charitable, or other cause or organization supposed to be primarily or principally for the public good from a person who seeks to be or has been nominated or elected to any office in return for political support by the donee. No candidate or elected person may make any payment or contribution if it is demanded or asked for such a purpose during the time he is a candidate for nomination or election to or an incumbent of any office. No payment or contribution for any purpose may be made a condition precedent to the putting of a name on any caucus or convention ballot or nomination paper or petition or to the performance of any duty imposed by law on a political committee.

(2) No person may demand, solicit, ask, or invite any candidate to subscribe to the support of any club or organization, buy tickets to any entertainment or ball, or subscribe for or pay for space in any book, program, periodical, or other publication in return for political support by the donee. No candidate may make any such payment or contribution with apparent hope or intent to influence the result of the election.

(3) This section does not apply to the soliciting of any business advertisement for insertion in a periodical in which the candidate was regularly advertising prior to his candidacy, to ordinary business advertising, to his regular payment to any organization (religious, charitable, or otherwise) of which he may have been a member or to which he may have been a contributor for more than 6 months before his candidacy, or to ordinary contributions at church services.

23-47-128. Bribing members of political gatherings. (1) No person may give or offer a bribe to any officer or member of any legislative caucus, political convention, or political gathering of any kind held for the purpose of nominating candidates for offices of honor, trust, or profit in this state, with intent to influence the person to whom such bribe is given or offered to be more favorable to one candidate than another. No person who is a member of any of the bodies mentioned in this section may receive or offer to receive any such bribe.

(2) A violation of this section is punishable as provided in 94-7-102(2).

23-47-129. Improper nominations. (1) No person may pay or promise valuable consideration to another, in any

manner or form, for the purpose of inducing him to be or to refrain from or to cease being a candidate, and no person may solicit or receive any payment or promise from another for such purpose.

(2) No person, in consideration of any gift, loan, offer, promise, or agreement, as mentioned in subsection (1), may:

(a) allow himself to be nominated or refuse to allow himself to be nominated as a candidate at an election;

(b) become, by himself or in combination with any other person or persons, a candidate for the purpose of defeating the nomination or election of any other person, without a bona fide intent to obtain the office; or

(c) withdraw if he has been so nominated.

(3) Upon complaint made to any district court, the judge shall issue a writ of injunction restraining the officer whose duty it is to prepare official ballots for a nominating election from placing the name of a person thereon as a candidate for nomination to any office if the judge is convinced that:

(a) the person has sought the nomination or seeks to have his name presented to the voters as a candidate for nomination by any political party for any mercenary or venal consideration or motive; and

(b) his candidacy for the nomination is not in good faith.

23-47-130. Providing money for bribery or corrupt practices. No person may knowingly pay or cause to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery or corrupt practices at any election.

23-47-131. Illegal contributions. Any person who accepts a contribution prohibited by Title 23 or Title 37, R.C.M. 1947; who makes a contribution in excess of the amounts specified in Title 23 or Title 37, R.C.M. 1947; or who makes a contribution in any manner other than that provided in Title 23 or Title 37, R.C.M. 1947, is guilty of an illegal practice and is punishable by a fine not to exceed $1,000, imprisonment in the county jail for a term not to exceed 6 months, or both, for each separate violation.

23-47-132. Publications in newspapers and periodicals. (1) No publisher of a newspaper or other periodical may insert, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure, or defeat any candidate, any political party or organization, or any measure before the people, unless it is stated therein that it is a paid advertisement. The name of the chairman or secretary, the names of the other officers of the political or other organization inserting the same, or the name of some voter who is responsible therefor (with his address) is to appear in such advertisement.

(2) No person may pay the owner, editor, publisher, or agent of any newspaper or other periodical to induce him to editorially advocate or oppose any candidate for nomination or election, and no such owner, editor, publisher, or agent may

accept such payment.

(3) A person who violates this section is guilty of a misdemeanor.

23-47-133. Election materials not to be anonymous. It is unlawful to write, print, publish, mimeograph, type, or otherwise produce or circulate through the mails or otherwise any letter, circular, bill, dodger, pamphlet, placard, poster, or other document relating to any election or to any candidate, political party, political committee, or ballot issue at any election, unless the same bears on its face the name and address of the person paying for the printing or publishing and the name of the printer and publisher. A person writing, printing, publishing, circulating, posting, mimeographing, typing, or causing to be written, printed, circulated, posted, mimeographed, typed, or published any such letter, bill, placard, dodger, pamphlet, circular, poster, or other document which fails to bear on its face the name and address of the person paying for the printing or publishing and the name of the printer or publisher is guilty of an illegal practice and shall on conviction thereof be punished by a fine of not less than $10 or more than $1,000.

23-47-134. Unlawful facts of employers and employees. (1) It is unlawful for any employer, in paying his employees the salary or wages due them, to enclose their pay in pay envelopes upon which is written or printed the name of any candidate or political mottoes, devices, or arguments containing threats or promises (express or implied) calculated or intended to influence the political opinions or actions of such employees. It is unlawful for an employer to exhibit in a place where his workers or employees may be working any handbill or placard containing any threat, promise, notice, or information that in case any particular ticket or political party, organization, or candidate is elected work in his place or establishment will cease, in whole or in part, or will be continued or increased; his place or establishment will be closed; the salaries or wages of his workers or employees will be reduced or increased; or other threats or promises (express or implied) intended or calculated to influence the political opinions or actions of his workers or employees. This section shall apply to corporations, individuals, and public officers and employees.

(2) No person may attempt to coerce, command, or require a public employee to give money, service, or other thing of value to aid or promote any political committee or to aid or promote the nomination or election of any person to public office.

(3) No public employee may solicit any money, influence, service, or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job or at his place of employment. However, nothing in this section is intended to restrict the right of a public employee to express his personal political views.

(4) Any person who violates the provisions of this section

shall be fined not to exceed $1,000, be imprisoned in the county jail for a term not to exceed 6 months, or both, for each separate offense.

23-47-135. Prohibition of salary increase contribution. A corporation may not increase the salary of any officer or employee or give an emolument to any officer, employee, or other person with the intention that the increase in salary, the emolument, or any part thereof be contributed to support or oppose a candidate or ballot issue.

23-47-136. Proceedings against corporations. In like manner as prescribed for the contesting of an election, any corporation organized under the laws of or doing business in the state of Montana may be brought into court on the ground of deliberate, serious, and material violation of the provisions of Title 23 or Title 37. The petition shall be filed in the district court in the county where the corporation has its principal office or where the violation of law is averred to have been committed. The corporation, upon conviction, is punishable:

(1) if it is organized under the laws of this state, by a fine not to exceed $10,000, by cancellation of the certificate of incorporation, or by both fine and cancellation; or

(2) if it is a foreign corporation, by a fine not to exceed $10,000, by enjoining the corporation from further transacting business in this state, or by both fine and injunction.

23-47-137. Transfer of convention credential. No person may invite, offer, or effect the transfer of any convention credential in return for any payment of money or other valuable thing.

23-47-138. Unlawful for political party to endorse judicial candidate. A political party which endorses a candidate for justice of the supreme court or district court judge, a person who participates in an endorsement by a political party, or a person who acts on behalf of a political party in endorsing a judicial candidate is guilty of a misdemeanor.

23-47-139. Prohibition on certain public officers from acting as delegates or members of political committees. No holder of a public position, other than an office filled by the voters, may be a delegate to a convention for the election district that elects the officer or board under whom he directly or indirectly holds such position, nor may he be a member of a political committee for such district.

Note: Sections 23-4778 and 23-4781 effective on March 8, 1977.

Section 23-4796 enacted by Senate Bill 27, Chapter 356, Section 3.

Sections 23-47-101 through 23-47-139 enacted by Senate Bill 33, Chapter 334, Sections 1-139.

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